



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

JOE H. BRYANT, JR.

PLAINTIFF

v.

CIVIL ACTION NO. 3:05cv179TSL-AGN

MILITARY DEPARTMENT OF THE
STATE OF MISSISSIPPI, BY AND THROUGH
THE MISSISSIPPI AIR NATIONAL GUARD, *et. al.*

DEFENDANTS

**ORDER GRANTING DEFENDANT MISSISSIPPI AIR NATIONAL GUARD'S
MOTION FOR EXTENSION OF TIME TO SERVE REBUTTALS
IN SUPPORT OF ITS MOTION TO DISMISS
AND MOTION FOR SANCTIONS**

CAME BEFORE THE COURT FOR HEARING Defendant "Military Department of the State of Mississippi, by and through the Mississippi Air National Guard," [sic] properly known as Mississippi Air National Guard ("MSANG" or the "Guard"), Motion for Two-Week Extension of Time to Serve Rebuttals in Support of: (1) Defendant Mississippi Air National Guard's Rule 12(B)(1), 12(B)(6), 12(C) and Eleventh Amendment Motion to Dismiss and for Judgment on the Pleadings ("Motion to Dismiss"), (04/12/05 MSANG Mtn. Dism., docket no. 5); and (2) Defendant Mississippi Air National Guard's Fed. R. Civ. P. 11, 28 U.S.C. § 1927 and Mississippi Litigation Accountability Act Motion for Dismissal, Sanctions And Related Relief ("Motion for Sanctions"). (05/05/05 Guard Mtn. Sanctions, docket no. 19.) This Court has considered the Guard's motion and FINDS the relief requested to be well-taken.

WHEREFORE, PREMISES CONSIDERED, it is hereby ORDERED that the Guard shall have until Monday, June 20, 2005, to serve rebuttals and any rebuttal memoranda in support of its Motion to Dismiss and Motion for Sanctions.

It is further ORDERED that this extension of time is without any prejudice whatsoever to any defense or immunity putatively held by any Defendant, including, but not limited to, any Defendant's putative right to invoke Eleventh Amendment immunity.

SO ORDERED, this the ²⁷~~26~~ day of May, 2005.


UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

/s E. Barney Robinson III

E. Barney Robinson III (MSB #9432)

MAJ, JA, MSARNG

Assistant Staff Judge Advocate

Joint Force Headquarters

Post Office Box 22567

Jackson, MS 39225-2567

(P) (601) 985-4525

(F) (601) 985-4500

(E) barney.robinson@butlersnow.com

Edward O. Pearson (MSB #4080)

LTC, JA, MSARNG

Joint Force Headquarters

Post Office Box 5027

Jackson, MS 39296-0297

(P) (601) 313-6106

(F) (601) 313-6171

(E) edward.pearson@ms.ngb.army.mil

ATTORNEYS FOR DEFENDANT "MILITARY DEPARTMENT OF THE STATE OF MISSISSIPPI, BY AND THROUGH THE MISSISSIPPI AIR NATIONAL GUARD," [SIC] PROPERLY KNOWN AS MISSISSIPPI AIR NATIONAL GUARD

JACKSON 1045015v1